

*Circulate*COMPTROLLER GENERAL OF THE UNITED STATES
Washington 25

B-107687

February 7, 1952

Mr. George E. Gray
Post Office Box 39
Hamilton Air Force Base
Hamilton, California

Dear Mr. Gray:

Reference is made to your letter of December 20, 1951, requesting review of the settlement of December 13, 1951, which disallowed your claim for overtime compensation covering travel time outside of your basic workweek during the period January 25 to February 3, 1951, as an employee of the Department of Air Force, Hamilton Air Force Base, Hamilton, California. The disallowance was for the reason that you had been paid overtime for all actual work performed in excess of 40 hours a week and that travel time outside of the basic workweek did not entitle you to overtime unless performed under such unusual or emergent conditions as to make travel time inseparable from work. You base your request for review upon the fact that you were ordered to accomplish your mission in the shortest possible time and you contend that your travel was inseparable from the work to be accomplished. In your statement of May 16, 1951, filed with your claim, it is stated that the duty consisted in contacting civilian operators of certain air fields to obtain data required by the Air Force; that since the majority of the persons to be contacted were available for interview only during normal duty hours the only logical way was to perform as much of the travel as possible outside the basic workweek.

The general rule with respect to overtime compensation for travel time is stated in 25 Comp. Gen. 399, at page 401, as follows:

"* * * travel time alone (without performance of actual duty) outside the regularly established hours of work does not entitle a per annum employee either to regular compensation or overtime compensation for the time so spent. See, also, question and answer 8 in decision of July 28, 1945, 25 Comp. Gen. 121, at page 129. Conversely, when such an employee performs actual duty while traveling during hours outside his regular tour of duty, he is entitled to regular or overtime compensation, as the case may be, depending upon whether such duty is in substitution for a corresponding period of leave without pay during the same basic workweek or is in addition to the required hours of work during the basic workweek. See, generally, question and answer 2 in decision of July 28, 1945, *supra*. Of course, an employee in a pay status is entitled to his regular compensation while traveling on official business during the hours

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comprising his daily tour of duty, the same as if he had remained at headquarters and it is immaterial whether, during such travel, he performs actual duty."

As the actual duty required of you on this detail was required to be performed during normal duty hours according to your own statement, supra, it is evident under the rule enunciated in the decision, supra, that the fact your assigned duties required travel outside of your basic workweek does not entitle you to overtime compensation for travel in your case. Upon review, the disallowance of your claim appears proper and said action must be and is sustained.

Very truly yours,

(Signed) LINDSAY C. WARREN

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Comptroller General
of the United States

